Reflections from the STRONG High Seas Project: Capacity Development in the Southeast Pacific Region for Conservation of Marine Biodiversity in ABNJ
Citation

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www.prog-ocean.org/our-work/strong-high-seas/

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<th>Description</th>
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<tr>
<td>ABMT</td>
<td>Area-based Management Tool</td>
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<tr>
<td>ABNJ</td>
<td>Areas Beyond National Jurisdiction</td>
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<tr>
<td>BBNJ</td>
<td>Biodiversity Beyond National Jurisdiction</td>
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<tr>
<td>BMUV</td>
<td>German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection</td>
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<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
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<tr>
<td>CPPS</td>
<td>Permanent Commission for the South Pacific</td>
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<tr>
<td>OECD/DAC</td>
<td>Development Assistance Committee of the Organisation for Economic Co-operation and Development</td>
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<td>EBSAs</td>
<td>Ecologically or Biologically Significant Marine Areas</td>
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<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<tr>
<td>ICAO</td>
<td>International Civil Aviation Organization</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental Conference (on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction)</td>
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<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
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<tr>
<td>MCS</td>
<td>Monitoring, Control and Surveillance</td>
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<tr>
<td>MPA</td>
<td>Marine Protected Area</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>PROG</td>
<td>Partnership for Regional Ocean Governance</td>
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<tr>
<td>RFMOs</td>
<td>Regional Fisheries Management Organizations</td>
</tr>
<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<tr>
<td>STRONG High Seas</td>
<td>Strengthening Regional Ocean Governance for the High Seas Project</td>
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<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<tr>
<td>UNFCCC</td>
<td>United Nations Framework Convention on Climate Change</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<tr>
<td>VME</td>
<td>Vulnerable Marine Ecosystem</td>
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1. Introduction

1.1 Background to the report

In 2017, the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer protection (BMUV), together with the ‘Partnership for Regional Ocean Governance’ (PROG), launched the project ‘Strengthening Regional Ocean Governance for the High Seas’ (STRONG High Seas). This five-year project aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity in Areas Beyond National Jurisdiction (ABNJ) in the context of the current negotiations towards an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on marine Biodiversity Beyond National Jurisdiction (BBNJ Agreement). In particular, the project seeks to enhance ecosystem-based and cross-sectoral management measures, focusing on the Southeast Pacific and Southeast Atlantic regions.

Capacity development is a key component of the project’s objectives. This includes developing capacity to implement conservation and management measures in ABNJ and developing capacity of States to effectively participate in international negotiations. This document reflects the STRONG High Seas Project’s efforts to support capacity development in the regions, recognising that it has a limited time span and scope.

1.2 Scope and objectives of the report

This report aims to highlight relevant key capacities required for engaging in the negotiations of a new international agreement under UNCLOS on the conservation and sustainable use of marine biodiversity in ABNJ and its subsequent implementation, to summarize information obtained during the STRONG High Seas project on capacity needs in the Southeast Pacific region and on capacity development activities conducted in the context of the project. It is targeted towards policy and decision-makers as well as other stakeholders working on issues of ocean governance and interested in strengthening capacities needed for regional ocean governance, particularly in the Southeast Pacific region. The report also aims to inform decision-makers at national and regional levels about the longer-term capacity needs related to ABNJ and possible avenues for addressing capacity gaps.

1.3 About this report

This report was prepared as part of the STRONG High Seas project, based on a series of stakeholder surveys and experience gathered through various workshops held in the Southeast Pacific region, as well as on literature surveys and expert opinion. The report was reviewed by experts to validate findings and ensure robust content. This report is part of a series of reports covering issues of ocean governance with a focus on the ABNJ of the Southeast Pacific and the Southeast Atlantic regions and builds on previous reports published by the STRONG High Seas project. Further project reports cover the legal and institutional framework applicable to ABNJ, the ecological state and the socioeconomic importance of ABNJ in the project regions, options for management and conservation measures for conservation of marine biodiversity in ABNJ, and considerations for integrated ocean management. These reports are available through the STRONG High Seas project website.1

Following this introductory chapter, Chapter 2 provides relevant context with regards to ocean governance in areas beyond national jurisdic-

1 https://www.prog-ocean.org/our-work/strong-high-seas/
tion, the ongoing negotiations towards a new agreement under UNCLOS and related capacity development needs and approaches. Chapter 3 presents a short summary of the surveys undertaken by the STRONG High Seas project with regards to capacity needs in the Southeast Pacific region and Chapter 4 is a summary of the corresponding capacity development efforts undertaken as part of the STRONG High Seas project. Chapter 5 provides reflections and recommendations for future capacity development activities beyond the scope of the project and highlights lessons learned through the five years of this project. Additional background information is provided in the Annexes.
2. Context

2.1 Ocean governance in areas beyond national jurisdiction

Marine Areas Beyond National Jurisdiction (ABNJ) are those areas of the ocean for which no one nation has sole responsibility for management, and where all nations need to act collectively as stewards of ocean health for current and future generations. In all, ABNJ make up about 50 percent of the surface of our planet and comprise around 64 percent of the surface of the ocean.

Marine biodiversity in ABNJ is threatened by intensifying human activities such as fishing and other types of marine harvesting, shipping, and pollution, with impacts on human well-being worldwide. Increases in anthropogenic CO₂ emissions have resulted in rising ocean acidity, declining oxygen levels, warming waters and shifting ocean currents. The connectivity between ABNJ and coastal waters means that impacts on marine ecosystems in ABNJ will also have impacts on marine ecosystems closer to shore, and vice versa, and, in turn, socio-economic systems of (coastal) States and communities.

The existing governance framework applicable to ABNJ is fragmented and subject to a range of legal and regulatory gaps, rendering it insufficient to address the increasing threats to marine biodiversity in ABNJ. The United Nations Convention on the Law of the Sea (UNCLOS) provides rules governing uses of the ocean and its resources but does not comprehensively specify how States should conserve and sustainably use marine biodiversity in ABNJ. A host of regional and sectoral agreements were developed both before and after UNCLOS came into force in 1994, leading to a patchy governance framework. Moreover, there is a lack of coordination and cooperation among the numerous multilateral agreements and organisations both at the regional and global level.

2.2 Envisaged BBNJ Agreement

Facing the apparent threat of loss and further degradation of marine biodiversity in ABNJ, a window of opportunity to address any legal and regulatory gaps in the governance framework opened in 2017 when formal negotiations for a new international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity of ABNJ were launched by the United Nations General Assembly (UNGA).

In its resolution 72/249 of 24 December 2017, the UNGA decided to convene an Intergovernmental Conference (IGC), under the auspices of the United Nations, to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of ABNJ, with a view to developing the instrument (‘BBNJ Agreement’).

The UNGA further decided that the IGC shall meet for four sessions of a duration of 10 working days each. The first session was convened from 4 to 17 September 2018, the second session from 25 March to 5 April 2019 and the third session from 19 to 30 August 2019. The fourth session, which was postponed, owing to the COVID-19 pandemic, took place from 7 to 18 March 2022.

In accordance with UNGA resolution 72/249, the IGC is addressing the topics:

(i) marine genetic resources, including questions on the sharing of benefits,

(ii) measures such as area-based management tools, including marine protected areas,

(iii) environmental impact assessments, and

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2 https://www.un.org/bbnj/
(iv) capacity-building and the transfer of marine technology.

In addition to the four elements set out above, during negotiations of the IGC several cross-cutting issues have been identified that also need to be addressed in the BBNJ Agreement, including, e.g., institutional arrangements and financial resources.

The incorporation of obligations, commitments, and provisions on capacity building in multilateral agreements is not a new feature in environmental governance. UNCLOS, most International Maritime Organization (IMO) Conventions, the Convention on Biological Diversity (CBD), the various agreements/declarations arising from the United Nations Sustainable Development Agenda 2030, and the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (UNFCCC) all explicitly include provisions for capacity building.

Under existing UNCLOS provisions, States are already obliged to:

- assist States Parties, in particular developing States Parties, in implementing the provisions of the Agreement, to achieve its objectives,
- enable inclusive and effective participation in the activities undertaken under the Agreement,
- promote/encourage/ensure access to marine technology by and the transfer of marine technology for peaceful purposes to developing States Parties for the attainment of the objectives of the Agreement,
- increase, disseminate and share knowledge on the conservation and sustainable use of marine biodiversity in ABNJ,
- develop the marine scientific and technological capacity of States Parties with regard to the conservation and sustainable use of marine biodiversity in ABNJ,
- ensure that developing States Parties have: (i) access to, and benefit from, the scientific information resulting from the collection of/access to resources in ABNJ, in particular marine genetic resources; (ii) access to, and that their special requirements receive consideration in, the sharing of benefits from marine genetic resources and in marine scientific research; (iii) collection of/access to marine genetic resources and their utilization; (iv) research capabilities relating to marine genetic resources and products, processes and other tools; (v) the capacity to develop, implement, monitor and manage, including to enforce, any area-based management tools, including marine protected areas; (vi) the capacity to conduct and evaluate environmental impact assessments.

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Under existing UNCLOS provisions, States are already obliged to:

- assist in technical and scientific personnel training,
- facilitate the participation of developing countries in international programs,
- promote programs of scientific, educational, technical, and other assistance,
- assist in preparing environmental assessments,
- supply necessary equipment and facilities,
- cooperate internationally and provide international funding for ocean research and development,
- provide advice on and develop facilities for research, monitoring, educational and other programs,
Capacity building: a long-term and continuing process by which individuals, organisations, institutions and societies develop abilities to perform functions, solve problems and set and achieve objectives (UNESCO, 2006).

Hence, even though the term ‘capacity building’ is commonly used in the context of the envisaged BBNJ Agreement, ‘capacity development’ is the preferably used term in STRONG High Seas project reports.

Pathways for capacity development

Following the definition for ‘capacity development’ provided by the OECD/DAC (2006), capacity development efforts may address three distinct levels:

(i) individual capacity,

(ii) organisational capacity, and

(iii) societal capacity.

Pathways to increased capacity depend on circumstances and starting points (e.g., type of job, range of professional duties and national needs), types of results desired (e.g., professional degree, mastering of specific skills, public awareness) and the discipline or disciplines involved (e.g., science, law, policy, interdisciplinary). There are many different pathways available, which include individual pathways, as well as institutional and societal pathways (Cicin-Sain et al., 2018).

Relevant capacities in the context of the BBNJ Agreement

The Policy Brief on Capacity Development as a Key Aspect of a New International Agreement on Marine Biodiversity Beyond National Jurisdiction (Cicin-Sain et al., 2018) describes capacity development and technology transfer as the ‘enabler’ of the other elements of the envisaged BBNJ Agreement (i.e., marine genetic resources enhancement, equipment manufacturing capacity, and assist in minimizing effects of major pollution incidents).

In consequence, a multifaceted architecture for capacity development has evolved. However, so far little attention has been directed to developing specific capacities relevant or even required for the elaboration of policies and regulations for and the management of human activities in ABNJ. The conclusion of the envisaged BBNJ Agreement therefore offers an eminent opportunity to direct capacity development efforts accordingly.

2.3 Developing capacities for regional ocean governance in ABNJ of the Southeast Atlantic region

Terminology

The terms capacity building and capacity development are often being used interchangeably. However, a publication by the Development Co-operation Directorate of the Organisation for Economic Co-operation and Development (OECD-DAC) stated in 2006 that the phrase ‘capacity development’ is used advisedly in preference to the traditional ‘capacity building’. The ‘building’ metaphor suggests a process starting with a plain surface and involving the step-by-step setting up of a new structure, based on a preconceived design. Yet, experience suggests that capacity is not successfully enhanced in this way (OECD/DAC 2006).

Capacity: the ability of people, organisations, and society as a whole to manage their affairs successfully (OECD/DAC 2006).

Capacity development: the process by which people, organisations and society as a whole unleash, strengthen, create, adapt and maintain their capacity over time (OECD/DAC, 2006).
and questions on the sharing of benefits; measures such as area-based management tool, including marine protected areas; and environmental impact assessments) and essential to their effective implementation once the BBNJ Agreement is adopted and ratified.

Capacity development efforts should aim to achieve the effective implementation of the envisaged BBNJ Agreement by all States by strengthening their ability to fulfil their rights and obligations. Ultimately, capacity development will support the conservation and sustainable use of marine biodiversity in ABNJ, as well as the ability of all States to participate in a sustainable ocean economy (Cicin-Sain et al., 2018).

The policy brief, mentioned above, identified a broad spectrum of capacities and skills which will likely be required by States and other relevant actors to conserve and sustainably use biodiversity in ABNJ in compliance with the BBNJ Agreement, including capacities and skills to:

- participate in global and regional cooperation,
- develop national legislation, policies, and institutional arrangements for the new Agreement,
- participate in enforcement,
- undertake marine scientific research and participate in research collaborations,
- build national research and development capacities,
- undertake management of marine ecosystems in accordance with an ecosystem approach and using tools such as marine spatial planning and marine protected areas,
- evaluate environmental impact assessments, and
- support national and local efforts towards a healthy and resilient ocean and sustainable economies and livelihoods.

Thus, the skills required are broad, and encompass legal, policy, scientific and marine management capacities (Cicin-Sain et al., 2018).

While dedicated assessments at national and regional levels are recommended to provide up-to-date information about specific capacity needs in specific countries and regions, considering the scope and content of the envisaged BBNJ Agreement, the following list provided by the policy brief is a reasonable overview of fundamental issues to be addressed by any capacity development efforts related to ABNJ and the BBNJ Agreement:

- area-based management tools, including marine protected areas,
- environmental impact assessments and strategic environmental assessments,
- marine genetic resources,
- marine scientific research and monitoring,
- and questions on the sharing of benefits; measures such as area-based management tool, including marine protected areas; and environmental impact assessments) and essential to their effective implementation once the BBNJ Agreement is adopted and ratified.

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- area-based management tools, including marine protected areas,
- environmental impact assessments and strategic environmental assessments,
- marine genetic resources,
- marine scientific research and monitoring,
Effective implementation of the BBNJ Agreement will eventually depend on individual, institutional and societal capacities for improved and well-coordinated action of the responsible entities in charge of management at national, regional, and global levels.

2.4 Existing capacity development efforts

There is an existing and impressive ‘architecture’ already in place on capacity development and technology transfer, emanating from UNCLOS and subsequently adopted implementing agreements, the United Nations Conference on Environment and Development in 1992 and ensuing conferences (e.g. World Summit on Sustainable Development in 2002; United Nations Conference on Sustainable Development in 2012, and the UN conference in 2015 leading to the Sustainable Development Agenda), as well as in related agreements, including the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change and the Paris Agreement (Cicin-Sain et al., 2018).

Accordingly, a multitude of actors is engaged in a range of capacity development initiatives, including United Nations bodies and agencies, international organisations, regional seas conventions and action plans, national development cooperation agencies, non-governmental organisations, foundations, and academic institutions, collectively contributing to improved conservation and management of biodiversity in ABNJ.

Given the connectivity among coastal areas, territorial waters, exclusive economic zones (EEZs) and ABNJ, and the commonalities of scientific and management approaches, any initiative which contributes to developing capacity for managing the conservation and sustainable use of marine resources – be it from a legal or governance perspective, scientific research, or the development and use of various management tools – could be supporting capacity development for ABNJ.

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While there has been considerable growth of activities related to capacity development on ABNJ in recent years – likely due to the start of official negotiations of the envisaged BBNJ Agreement – the number of activities specifically dedicated to ABNJ remains limited, with many of them being part of broader training programmes in ocean policy, governance, or science. Most of the efforts are focused on training at the individual level rather than at the institutional and societal levels. Furthermore, funding and coordination among the various efforts is limited (Cicin-Sain et al., 2018).

Each region has its own unique environmental, institutional, political, and capacity context, which often includes an established institutional structure(s) for regional cooperation on managing the marine environment and its resources. In this context, many regions often have regional policies, programmes, and initiatives that bring together countries to undertake area-based management, including creating marine protected areas, and to manage fisheries resources. While noting that many of these existing institutions already engage in capacity development, it seems appropriate to consider strengthening the role of these regional frameworks in the coordination of capacity development activities, preferably contributing to a common regional vision.

With regards to the Southeast Pacific region, since 1952, the Permanent Commission for the South Pacific (Comisión Permanente del Pacífico Sur/CPPS) is the maritime organization that coordinates regional maritime policies in order to adopt concerted positions of its member States (Chile, Colombia, Ecuador and Peru) in international negotiations, development of the Law of the Sea, international environmental law and other multilateral initiatives. CPPS has been and continues to be engaged in capacity-building programmes and activities at the national and regional levels in the areas of science, socio-economic policy and the environment.
3. Capacity needs for regional ocean governance in ABNJ of the Southeast Pacific region

3.1 Introduction

With a view to complement the overarching STRONG High Seas project goals, objectives and corresponding work streams agreed by project partners during conceptualization of the project, implementing partners throughout the project have repeatedly surveyed relevant stakeholders in the project region of the Southeast Pacific for general as well as specific needs and requests for capacity development on topics related to ocean governance, specifically in areas beyond national jurisdiction, and the ongoing process of negotiations towards the adoption of the envisaged BBNJ Agreement.

In this context, the main attention has been given to the political partners of the STRONG High Seas project in the Southeast Pacific region, i.e., official representatives of the Secretariat of the Permanent Commission for the South Pacific (CPPS) and its member States Chile, Colombia, Ecuador and Peru. In addition, other key stakeholders engaged in project activities (e.g., dialogue workshops, training events) have been consulted, including from international/regional organisations, research institutions and non-governmental organisations.

The surveys sought to illicit opinions and suggestions on which short-term project activities related to ocean governance could best serve the needs and expectations of States’ representatives and other relevant stakeholders. It has to be noted though that the surveys were not designed to systematically reach a representative portion of all relevant groups with a stake in regional ocean governance issues.

While the results of the various surveys conducted (see section 3.2 below) hence cannot be interpreted to be representative for capacity needs of any of the stakeholder groups in the region, they were still a valuable source of information and guidance to support project implementing partners to design activities, including capacity development activities, that are needs-based, relevant for and targeted to the Southeast Pacific region.

Furthermore, the views and suggestions obtained through the surveys could also inform decision-makers at national and regional levels and organizers of other initiatives and projects in their planning of medium to longer-term capacity development activities related to ocean governance in ABNJ and possible avenues for addressing any capacity needs with a view to contribute to strengthening ocean governance in the region.

3.2 Overview of surveys conducted and summary of results

Over the course of the STRONG High Seas project the following surveys have been conducted with a view to receive further information from political project partners and other key stakeholders on needs for capacity development with regards to ocean governance and areas beyond national jurisdiction:

(i) Rapid assessment of capacity development needs related to regional ocean governance in ABNJ of the Southeast Pacific region

Date: December 2019
Target group: official representatives of CPPS member States
Format: written survey distributed via correspondence from the CPPS Secretariat, setting out a list of general and specific topics related to ocean governance and the envisaged BBNJ Agreement that could be chosen and commented upon in case of capacity needs identified by respondents (see survey (ii) and Table 2)
The objective of this structured survey was to collect views and suggestions from official representatives of CPPS member States (Chile, Colombia, Ecuador, Peru) on which topics related to ocean governance in ABNJ should be addressed by upcoming project activities to best serve the needs and expectations of the political partners of the project.

**Summary of survey results**

Of the four CPPS member States, two provided responses to the survey.

Out of a list of relevant topics related to the envisaged BBNJ Agreement the following have been selected by government representatives to be addressed in upcoming project capacity development activities:

- **Cross-cutting issues**
  - Relevant legal instruments and frameworks; relevant global, regional, sub-regional and sectoral bodies
  - Monitoring, control and surveillance
- **Area-based management tools (ABMTs), including marine protected areas (MPAs)**
  - Identification of areas requiring protection (e.g., ecologically or biologically significant marine areas (EBSAs), vulnerable marine ecosystems (VMEs))
  - Processes to designate, establish and manage ABMTs, including MPAs
- **Environmental impacts assessment (EIA)/Strategic environmental assessment (SEA)**
  - relevant legal instruments and frameworks and relevant global, regional, sub-regional and sectoral bodies
  - thresholds and criteria for environmental impact assessments
- **Capacity building and technology transfer**
  - developing marine scientific and technological capacity within the context of the BBNJ negotiations
  - building capacity for social sciences research (e.g., legal, economics)
  - marine technology transfer

In addition, the following topics have been selected by government representatives of one of the two States to be addressed in upcoming project capacity development activities:

- **Cross-cutting issues**
- **Procedures for the settlement of disputes**
- **Options for a global clearing house mechanism**
- **Marine genetic resources, including questions on the sharing of benefits**
- **Access to and collation of marine genetic resources**
- **Options for fair and equitable sharing of benefits**
- **Intellectual property rights**
- **Environmental impacts assessment/Strategic environmental assessment**
  - Screening, scoping, impact assessment and evaluation
  - Mitigation, prevention and management of potential adverse effects
  - Preparation and content of environmental impact assessment reports
  - Strategic environmental assessment procedures
- **Capacity building and technology transfer**
  - Building capacity for social sciences research (e.g., legal, economics)
Building capacity for designing and applying policy and management tools

In addition to the topics selected from a pre-determined list, representatives of one of the two States noted that it would be useful to also take into account the importance of marine technology transfer to small-scale fishing communities. This subject is considered critical for developing countries where there is an important fisheries sector in terms of employment and food security.

**Summary of survey results**

A total of 10 (out of 57) participants at the 3rd Dialogue Workshop provided individual responses to the survey.

The following table provides an overview of the interest of relevant stakeholders in preselected main as well as specific topics considered to be of importance for ocean governance in ABNJ, in particular with regards to the matters of subject of the envisaged BBNJ Agreement.

<table>
<thead>
<tr>
<th>Main Topics</th>
<th>Specific Topics</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cross-cutting issues</td>
<td>relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>monitoring, control &amp; surveillance of activities in ABNJ</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>possible procedures for the settlement of disputes</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>possible options for a global clearing house mechanism</td>
<td>2</td>
</tr>
<tr>
<td>2. Area-based management tools (ABMTs), including marine protected areas (MPAs)</td>
<td>identification of areas requiring protection (e.g., ecologically or biologically significant marine areas, vulnerable marine ecosystems)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>processes to designate, establish and manage ABMTs, including MPAs</td>
<td>6</td>
</tr>
</tbody>
</table>
The objective of this rapid online survey was to collect suggestions from key stakeholders interested/engaged in regional ocean governance present at the 4th Dialogue Workshop on ways how the STRONG High Seas project could further support their work or the work of their respective organizations, ministries, or department’s work in the future.

### Summary of survey results

Only a limited number of responses have been received. Suggestions on ways how the STRONG High Seas project could further support the work of workshop participants included:

- Continuation of project workshops and seminars

#### Date: May 2021

Target group: various key stakeholders present as participants at the 4th Dialogue Workshop (online), including official representatives of CPPS member States as well as representatives of relevant international/regional organizations, academic institutions, and non-governmental organizations

Format: online survey provided to all participants of the 4th Dialogue Workshop with a predetermined open question (“In which ways could the STRONG High Seas project further support you or your organisation, ministry, or department’s work in the future?”)

### Table: Survey Results

<table>
<thead>
<tr>
<th>Main Topics</th>
<th>Specific Topics</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Marine genetic resources, including questions on the sharing of benefits</td>
<td>access to and collation of marine genetic resources</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>use of marine genetic resources</td>
<td>6</td>
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<tr>
<td></td>
<td>options for fair and equitable sharing of benefits</td>
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<td></td>
<td>intellectual property rights</td>
<td>5</td>
</tr>
<tr>
<td>4. Environmental impact assessment/strategic environmental assessment</td>
<td>relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies</td>
<td>8</td>
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<td></td>
<td>thresholds and criteria for environmental impact assessments</td>
<td>3</td>
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<td></td>
<td>screening, scoping, impact assessment and evaluation</td>
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<td>mitigation, prevention and management of potential adverse effects</td>
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<td>preparation and content of environmental impact assessment reports</td>
<td>4</td>
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<td></td>
<td>strategic environmental assessment procedures</td>
<td>5</td>
</tr>
<tr>
<td>5. Capacity building and technology transfer</td>
<td>developing marine scientific and technological capacity within the context of the BBNJ negotiations</td>
<td>5</td>
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<tr>
<td></td>
<td>building capacity for natural sciences research (e.g., oceanography, deep sea research)</td>
<td>7</td>
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<td></td>
<td>building capacity for social sciences research (e.g., legal, economics)</td>
<td>4</td>
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<tr>
<td></td>
<td>building capacity for designing and applying policy and management tools</td>
<td>5</td>
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<tr>
<td></td>
<td>marine technology transfer</td>
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</table>

#### (iii) Informal survey on capacity needs related to regional ocean governance in ABNJ of the Southeast Pacific region

- Access to and collation of marine genetic resources
- Use of marine genetic resources
- Options for fair and equitable sharing of benefits
- Intellectual property rights

- Relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies
- Thresholds and criteria for environmental impact assessments
- Screening, scoping, impact assessment and evaluation
- Mitigation, prevention and management of potential adverse effects
- Preparation and content of environmental impact assessment reports
- Strategic environmental assessment procedures

- Developing marine scientific and technological capacity within the context of the BBNJ negotiations
- Building capacity for natural sciences research (e.g., oceanography, deep sea research)
- Building capacity for social sciences research (e.g., legal, economics)
- Building capacity for designing and applying policy and management tools
- Marine technology transfer
Reflections from the STRONG High Seas Project: Capacity Development in the Southeast Pacific Region for Conservation of Marine Biodiversity in ABNJ

- Organisation of more/additional events to raise awareness and disseminate information
- Sharing of products elaborated by the project (e.g., reports, presentations)
- Sharing of scientific information and publications
- Provision of additional trainings on key issues
- Knowledge transfer and sharing of best practices
- Facilitate continuous knowledge sharing among CPPS member States
- Provision of information on regional agreements to be concluded between the countries of the region
- Provision of information on access to marine genetic resources in ABNJ and benefit sharing mechanisms
- Dissemination of information on management tools

(iv) Informal survey on capacity needs related to regional ocean governance in ABNJ of the Southeast Pacific region

Date: December 2021

Target group: various key stakeholders present as participants at the 1st Capacity Development Webinar (online), including official representatives of CPPS member States (Peru, Colombia) as well as representatives of academic institutions and non-governmental organizations (from Chile, Colombia, Ecuador, and Peru)

Format: online survey provided to all participants of the 1st Capacity Development Webinar with predetermined open questions

The objective of this rapid online survey was to collect views and suggestions from key stakeholders interested/engaged in regional ocean governance present at the 1st of a series of Capacity Development Webinars offered by the STRONG High Seas project in the region, regarding (i) what other topics related to ocean governance in ABNJ would participants like to explore in more depth, and (ii) what other training formats do participants consider suitable for this type of programme.

Summary of survey results

A total of 16 workshop participants provided their views and suggestions.

Suggestions of topics to be addressed in future workshops/webinars included:
- Measures for the conservation and sustainable use of marine biodiversity
- Shared ocean governance schemes
- Options for multi-sectoral management of biodiversity in ABNJ
- Role of regional fisheries management organizations (RFMOs) in the BBNJ process
- Handling of marine genetic resources, including future options
- Information/databases with regards to what transits the seas, something like the International Civil Aviation Organization (ICAO) has for aviation, on transboundary flows: people, goods, pathogens, other substances that may be of risk to global security

Suggestions on formats that are considered most appropriate for upcoming capacity development activities included:
- Virtual workshops (with qualified resource persons)
- Practical workshops for the application of concepts by form of case studies
- Presentation of videos with on-site results
- Expert meetings
 Provision of texts of relevant multilateral instruments, both existing ones as well as those under negotiation

3.3 Reflections

As stated above, the different surveys conducted during the implementation phase of the STRONG High Seas project were not meant and cannot be considered to be representative of needs with regards to capacity development of any of the main groups of stakeholders (e.g., government officials, academic institutions, non-governmental organisations) involved or interested in matters related to ocean governance in ABNJ. Rather, the surveys were designed to mainly obtain views and suggestions from stakeholders already engaged in the project with regards to topics that are considered to be relevant in the context of negotiations towards the envisaged BBNJ Agreement and that should be (further) addressed in the various capacity development opportunities organized by the project.

Project implementing partners as well as partners in the Southeast Pacific region considered efforts to adapt project activities to the needs and/or interests of stakeholders in the region to be fundamentally important and of great value for ensuring the projects’ relevance.

Due to finite financial resources and limited time available, it has not been possible for the STRONG High Seas project to comprehensively address all expressed needs/interests. Circumstances imposed by the COVID-19 pandemic also impacted upon the planning, timing and format of project activities.

However, Chapter 4 provides an overview of the range of capacity development activities conducted, and technical reports produced by the STRONG High Seas project in which most of the identified topics have been included, addressed, and elaborated upon.
4. Capacity development in the context of the STRONG High Seas project

4.1 Introduction

As set forth in Chapter 2, policy and decision-makers as well as officials in charge of managing human activities in the marine realm at national and regional levels require knowledge and understanding about the gaps, challenges and opportunities in relevant legal and governance frameworks; current status of, as well as key pressures and threats on biodiversity; the links between marine biodiversity in Areas Beyond National Jurisdiction and human well-being; as well as possible options for the management of high seas biodiversity and the implementation, monitoring and enforcement of these management approaches. At the same time, coordination and cooperation between key stakeholders within and among regions facilitates improved design, implementation and durability of cross-sectoral management approaches.

The project aimed to further develop capacities among key stakeholders from governments, science and civil society through a series of annual dialogue workshops, various technical workshops, thematic webinars, training sessions and the dissemination of policy briefs and reports generated by the project through interdisciplinary scientific assessments. The project took a multifaceted approach to developing capacity within the region, focussing on creating awareness of marine biodiversity in ABNJ and the topics addressed by the envisaged BBNJ Agreement, generating synthesis reports, prioritising knowledge exchange, stakeholder engagement and dialogue. A concerted effort was made to connect experts and stakeholders within the region and develop wider global networks of experts with an interest in the conservation and sustainable use of marine biodiversity in ABNJ.

The themes and mechanisms for capacity development were also informed by the outcomes of the different surveys conducted during project events – the results of which are reported above.

The activities of the project also needed to be adapted to account for travel restrictions as a result of the COVID-19 pandemic.

The following is an overview of main events, activities and products of the STRONG High Seas project with regards to further strengthening capacities in the region relevant for the conservation and sustainable use of marine biodiversity in ABNJ.

4.2 Overview of project activities

Dialogue Workshops

Dialogue workshops brought together global and regional stakeholders and experts for discussion and knowledge exchange – five of these were scheduled during the project. The workshops were an opportunity to disseminate the latest project outputs, receive expert input, and identify priority areas for future work. The workshops were also meant to provide an opportunity for cross-regional exchange with the 5th Dialogue Workshop being conducted jointly with representatives of the Southeast Atlantic region. Due to travel restrictions imposed by the COVID-19 pandemic, the 4th and 5th Dialogue Workshops could only be organized by online formats.

▶ STRONG High Seas Dialogue Workshop 1: Opportunities for Strengthening Ocean Governance in the Southeast Pacific (06/2018, Cali) --- Agenda [English] [Spanish] – Summary [English] [Spanish] – Presentations

▶ STRONG High Seas Dialogue Workshop 2: Science for Solutions: Bringing Stakeholders Together to Improve Ocean Planning and Governance in ABNJ of the Southeast Pacific (03/2019, Guayaquil) --- (Agenda [English] [Spanish] – Summary [English] [Spanish] – Presentations)
Capacity development workshops and high-level expert meetings were also organised at the sidelines of the meetings of the Intergovernmental Conference negotiating the envisaged BBNJ Agreement at the United Nations in New York. State representatives from both project regions (Southeast Atlantic and Southeast Pacific) were invited to attend these workshop and expert meetings organised by the STRONG High Seas project together with global and regional experts.

Technical Workshops

A series of technical workshops on specific topics has been organized in response to needs previously and jointly identified by project implementing partners and key stakeholders. Participants varied depending on the respective topics but were generally representing government authorities, academic institutions, and civil society.

Online Seminars

In addition to the technical workshops, also a series of online seminars has been organized in response to needs previously and jointly identified by project implementing partners and key stakeholders with a view to deepen the understanding of specific topics. Participants varied depending on the respective topics but were generally representing government authorities, academic institutions, and civil society. From 2020 onwards, this format of offering capacity development became the only available option due to travel restrictions imposed by the COVID-19 pandemic.
Policy Briefs

Over the course of the STRONG High Seas project, several policy briefs were developed by project implementing partners, in collaboration with regional and global experts, to highlight and summarize relevant information on selected key aspects related to the envisaged BBNJ Agreement.

- Policy Brief – Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction: Options for Underpinning a Strong BBNJ Agreement through Regional and Sectoral Governance (08/2018) --- [English] [Spanish]
- Policy Brief – Keeping an Eye on the High Seas: Strengthening Monitoring, Control, and Surveillance Through a New Marine Biodiversity Treaty (07/2019) --- [English] [Spanish]
- Policy Brief – The Role of Regional Cooperation in Strengthening High Seas Governance: Conceptual Framework and Key Recommendations (09/2021) --- [English] [Spanish]

Thematic Reports

Several reports were developed by the STRONG High Seas project implementing partners, in collaboration with regional and global experts, to synthesise knowledge on various topics and to provide, to the extent possible, region-specific information.

- Strengthening Regional Ocean Governance for the High Seas: Opportunities and Challenges to Improve the Legal and Institutional Framework of the Southeast Atlantic and Southeast Pacific (12/2018) --- Summary for Decision-Makers [English] [Spanish]
- Regional Ocean Governance of Areas Beyond National Jurisdiction: Lessons Learnt and Ways Forward (02/2019) --- Summary for Decision-Makers [English] [Spanish]
- Strengthening Monitoring, Control and Surveillance in Areas Beyond National Jurisdiction (01/2020) --- [English] [Spanish] – Briefing for Negotiators [English]
- Options for Strengthening Monitoring, Control and Surveillance of Human Activities in the Southeast Pacific Region (11/2020) --- [English] [Spanish]
- Strengthening High Seas Governance Through Enhanced Environmental Assessment Processes (01/2021) --- [English] [Spanish]
- Socio-Economic Importance of Areas Beyond National Jurisdiction (07/2021) --- Southeast Pacific region: [Spanish] [English]
Public Websites

With a view to offer stakeholders as well as the public general background information on issues related to ABNJ, relevant legal and policy frameworks, the conservation and sustainable use of marine biodiversity, the negotiation process towards the envisaged BBNJ Agreement and any specific material developed by the STRONG High Seas project, different public-facing online platforms (websites) have been established:

Project information website (EN): [https://www.prog-ocean.org/our-work/strong-high-seas/](https://www.prog-ocean.org/our-work/strong-high-seas/)

Regional information platform (ES): [https://abnj-pacifico.org/](https://abnj-pacifico.org/)

It is being hoped that the regional information platform will be maintained beyond the duration of the project and that it proves to be useful for officials, managers, scientists, non-government organisations and the public at large as a valuable source of basic as well as specialised information.

4.3 Reflections

The above-mentioned STRONG High Seas project events and activities in the Southeast Pacific region were organised in collaboration with the political partner of the project in the Southeast Pacific region, i.e., the Secretariat and member States of the Permanent Commission of the South Pacific (CPPS). The selection of government representatives to participate in project (capacity development) activities was therefore a decision taken by CPPS member States. While some of the officials selected by the States were/are engaged in the actual negotiations of the envisaged BBNJ Agreement, several government representatives were rather new to the topic. It remains to be seen whether these officials will eventually oversee or contribute to the implementation of the BBNJ Agreement once adopted and whether the benefit of having participated in project (capacity development) activities will be put to its full value.

In general, representatives of academic institutions and non-governmental organisations from within the region have originally been identified and invited to join project (capacity development) activities by project implementing partners and/or political partners. While most of these stakeholders were keen to get involved and stay engaged in project activities, the interest in the region grew constantly and additional stakeholders proactively sought to be included. It is expected that, in general, awareness of key stakeholders about issues related to ocean governance in ABNJ and the envisaged BBNJ Agreement could be enhanced as a result of project activities.

Overall, feedback by participants of capacity development activities offered by the STRONG High Seas project was very positive. The selection of topics as well as the chosen formats of events were mostly considered to be relevant and appropriate in light of the needs previously expressed.

It has to be noted though that the events designed by the STRONG High Seas project from 2020 onwards had to be adapted to account for travel restrictions as a result of the COVID-19 pandemic. Although this reduced the number of in-person events, it did allow for larger and more diverse audiences for online workshops.
5. Reflections from the STRONG High Seas project capacity development activities to strengthen regional ocean governance in ABNJ

The following are reflections on and recommendations for developing capacities for the conservation and sustainable use of marine biodiversity in ABNJ gained through the course of the STRONG High Seas project. These lessons learned aim to be a resource for other initiatives seeking to design and implement similar capacity development activities, while it does not provide an exhaustive overview of all possible considerations.

Capacity development programmes should be based on the needs indicated by and requests of the target audience. This helps to ensure that the selection of topics and the design of activities (i.e., programme) is targeted towards addressing gaps in knowledge or understanding of those individuals, organizations, or societies the programme is intending to support. However, given the diverse nature and complexity of ocean governance in ABNJ, capacity development programmes most likely cannot be based on requests from participants alone. Further reflection and review from programme organisers and experts will be needed to ensure that the broad range of relevant issues – of environmental/ecological, scientific, technical, legal, socioeconomic, and political nature – are adequately covered.

There is no one-size-fits-all approach to designing and implementing capacity development programmes for ocean governance and ABNJ. Capacity development programmes should make all efforts to ensure that the content and programme design are relevant and appropriately tailor-made for the targeted audience. This is especially the case for the topic of ocean governance and ABNJ, which might be viewed as ‘far from people’s minds’ and potentially challenging to make tangible. Programme design should draw on regional experts and examples so that the specifics of a region are included within the design of a programme and participants can connect with its content and during exchange and discussions.

It is important to consider the scope (i.e., broad vs narrow coverage of topics) of capacity development programmes and what can reasonably be covered or implemented within a limited timeframe and with limited resources when designing initiatives. In the context of the STRONG High Seas project, the complexity of ocean governance and ABNJ and considering the different backgrounds and levels of knowledge of participants made it challenging to dive deeply into specific thematic fields and topics. Thus, it was deemed better to offer participants a programme that covered a broad range of topics considered essential to ocean governance and ABNJ to provide for a basic understanding of key issues.

Capacity development programmes should consider the timing of relevant policy processes and tailor their efforts and interventions towards contributing to policy discussions. Regarding ocean governance and ABNJ, the negotiations for the envisaged BBNJ Agreement during the STRONG High Seas project meant that the programme focussed primarily on facilitating an understanding of scientific, legal, and governance content. Towards the end of the project, topics more specific to management or implementation of the envisaged BBNJ Agreement were considered. It is therefore important that topics build on each other. Uncertainty about the outcome of policy processes, such as the BBNJ negotiations, creates challenges.
in addressing potential future knowledge requirements of individuals and organisations/institutions without knowing future or potential roles in implementing policy or legal frameworks and agreements.

Language and culture are crucial aspects to consider in planning and capacity development events. Capacity development programmes for ocean governance in ABNJ will potentially involve individuals across many cultures and languages, especially when taking a regional perspective such as in the STRONG High Seas project. It is therefore important to ensure the use of direct interpretation to enable participants to take part in their preferred language, that the language used is not too specialised or that it is well explained, and that interpreters have the knowledge of specialised language used or have been prepared adequately ahead of the programme. This will be important to the success of organised events, whether face-to-face or online, and help to ensure the successful exchange and transfer of information. It is also important to consider the demands upon a project that these considerations create, and ensure adequate resources are available.

The benefits of organising capacity development programmes in face-to-face settings are well known, including opportunities for networking or one-on-one interventions and in-depth discussion and exchanges among participants on critical and/or complex topics. However, in the context of the COVID-19 pandemic, the benefits of utilising online formats became apparent and include reaching larger audiences in a more cost-effective and more flexible manner as well as enabling programmes to be delivered over longer periods of time (e.g., over several weeks or months), thus allowing participants to engage in topics or issues between work commitments. Mixing both approaches in a relevant and effective programme design can be a successful way to utilise the benefits from both options and enable a deeper learning experience for participants.

Awareness raising and general knowledge building on issues of ocean governance and the conservation and sustainable use of biodiversity in ABNJ remained a highly important objective throughout the STRONG High Seas project. The starting point for any capacity development programme should be based on the existing level of knowledge and experience of the target participants. Ocean governance and ABNJ is a relatively specialised field, which includes diverse, and complex topics, and therefore has a relatively small number of individuals working directly on the subject. Particularly when working with government institutions and actors, capacity development programmes should be prepared for a high rotation of individuals due to changes in posts and staff members. This will require that capacity development programmes are designed to ensure that individuals joining a programme have access to additional or introductory information on topics previously discussed in the programme.

Capacity development programmes can benefit from identifying and supporting key changemakers within a programme. Such changemakers can be important to help champion knowledge sharing and ensure that it is taken up or further distributed within their institutions, and beyond. This way, these individual changemakers can act as multipliers for institutional or organisational capacity as well as act as knowledge brokers once a capacity development programme has concluded.

A regional vision, which highlights long-term needs (e.g., future roles) of key actors and institutions, can be important to create a targeted capacity development programme to proactively develop capacity where gaps exist. Without such a coordinated vision, regional capacity development programmes will not be able to provide a fully targeted and systematic plan to support progress towards this vision.
Capacity development activities within regions should be coordinated when covering the same or similar topics, such as the conservation and sustainable use of marine biodiversity in ABNJ. Coordination and cooperation across different capacity development programmes, enables initiatives to benefit from e.g., reaching broader audiences, access to learning material and regional experts, exchanging on lessons learned, or designing complementary and therefore more targeted programmes.

A repository of relevant information, including learning material, can support capacity development programmes by ensuring participants and their organisations have continued access to relevant material beyond the life of an individual project. Such a platform could also act as a place where actors and stakeholders could ask questions or reach out for advice to others on specific questions. The discussions spurred by such online inquires could benefit multiple actors focusing on similar topics within their own work. In the long-term, with respect to ocean governance and ABNJ and the implementation of the envisaged BBNJ Agreement, the planned ‘clearing house mechanism’ could act as a platform for dissemination of information related to opportunities for capacity development.
About the STRONG High Seas project

The STRONG High Seas project is a five-year project that aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Working with the Secretariat of the Comisión Permanente del Pacífico Sur (CPPS; Permanent Commission for the South Pacific) and the Secretariat of the West and Central Africa Regional Seas Programme (Abidjan Convention), the project will develop and propose targeted measures to support the coordinated development of integrated and ecosystem-based management approaches for ocean governance in areas beyond national jurisdiction (ABNJ). In this project, we carry out transdisciplinary scientific assessments to provide decision-makers, both in the target regions and globally, with improved knowledge and understanding on high seas biodiversity. We engage with stakeholders from governments, private sector, scientists and civil society to support the design of integrated, cross-sectoral approaches for the conservation and sustainable use of biodiversity in the Southeast Atlantic and Southeast Pacific. We then facilitate the timely delivery of these proposed approaches for potential adoption into the relevant regional policy processes. To enable an interregional exchange, we further ensure dialogue with relevant stakeholders in other marine regions. To this end, we set up a regional stakeholder platform to facilitate joint learning and develop a community of practice. Finally, we explore links and opportunities for regional governance in a new international and legally-binding instrument on marine biodiversity in the high seas.

**Project duration:** June 2017 – May 2022  
**Coordinator:** Institute for Advanced Sustainability Studies (IASS)  
**Implementing partners:** BirdLife International, Institute for Sustainable Development and International Relations (IDDRI), International Ocean Institute (IOI), Universidad Católica del Norte, WWF Colombia, WWF Germany  
**Regional partners:** Secretariat of the Comisión Permanente del Pacífico Sur (CPPS), Secretariat of the Abidjan Convention  
**Website:** prog-ocean.org/our-work/strong-high-seas  
**Contact:** stronghighseas@iass-potsdam.de

Partners of the STRONG High Seas project: